

TRAVL9.017A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin R. Schiff, et al.

) Group Art Unit 2166

Appl. No. : 09/728,583


Filed : December 1, 2000

For : SYSTEMS AND METHODS
OF COMPARING PRODUCT
INFORMATION

Examiner : Unknown

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)
) I hereby certify that this correspondence and all
) marked attachments are being deposited with the
) United States Postal Service as first-class mail in an
) envelope addressed to: Assistant Commissioner for
) Patents, Washington, D.C. 20231, on

August 24, 2001

(Date)

James B. Bear, Reg. No. 25,221

DECLARATION UNDER 37 C.F.R. § 1.47(a) BY JAMES B. BEAR
REGARDING NONSIGNING INVENTOR MARYANN BASTNAGEL

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, James B. Bear, declare and state the following:

1. I am a patent attorney at Knobbe, Martens, Olson and Bear, LLP, which represents Travel Services International, Inc. ("Travel Services International") with regard to certain intellectual property matters.

2. I am informed and believe that Martin Schiff, Kathleen Sussman-Wiles, Vivian Ewart, Wallace Huff, Byron Berk, Maureen Elenberger, Timothy Fessenden, Paul Fitton, Vance Boisselle, Michael Carpenter, Michael Sherota, Elizabeth Judy, Elena Rodriguez, Holley Christen, Mitch Cox, Todd Elliott, Kevin Helms, Adolf Quintana, Dot Tolle, Nancy Porter, Karen Reynolds, Monica Scanlon, Paul Colangelo, Tracey Codd, Joannell DeLand, Timothy Moorhead, Anne D. Burkard, George DelPino, Joelle Delva, Sharon Everhart-Brooks, Bradley Ferguson, David Forman, Samuel Hintz, Irwin Klotz, Courtney Kurk, Keith Leslie, Sandi Levy, Fred

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Locicero, Charlotte Luna, Jeffrey Nickerson, and Mary Ann Bastnagel are joint and co-inventors in the above-referenced U.S. patent application.

3. I am informed and believe that at the time of the activities leading up to the invention of the subject matter of the above-referenced U.S. patent application, Maryann Bastnagel was an employee of Travel Services International.

4. I am informed and believe that Maryann Bastnagel participated in a project to develop systems and methods of comparing product information on behalf of Travel Services International.

5. The last address of Maryann Bastnagel, known to me, is:

3 Bloomingdale Court
Rockville, MD 20852.

6. On December 18, 2000, I had a letter sent by Federal Express Priority Overnight Service to Maryann Bastnagel, 3 Bloomingdale Court, Rockville, MD 20852. The letter included a copy of the above-referenced U.S. patent application, a Declaration by Inventors for the application, and an Assignment form for the application. The letter asked Maryann Bastnagel to sign the enclosed Declaration by Inventors, sign and notarize the Assignment form, and to return the papers to me. A copy of the delivery documentation, the letter, and the enclosures relating to the above-referenced patent application are attached hereto as Exhibit A and are incorporated herein by reference.

7. On April 5, 2001, I sent a letter written on April 2, 2001 by Federal Express Standard Overnight Service to Maryann Bastnagel, 3 Bloomingdale Court, Rockville, MD 20852. The letter was a follow-up to the December 18, 2000 letter and contained additional copies of the Declarations by Inventors and Assignments. Maryann Bastnagel was asked to complete the forms per the instructions in the prior letter and return to me in a provided Federal Express envelope. A copy of the delivery documentation and the letter are attached hereto as Exhibit B and are incorporated herein by reference.

8. On April 25, 2001, I sent another letter via Federal Express Priority Overnight Service to Maryann Bastnagel, 3 Bloomingdale Court, Rockville, MD 20852. The letter was a follow-up to both the December 18, 2000 and the April 5, 2001 letters. The letter urged Maryann Bastnagel to sign and notarize the Declaration and Assignment and return them to me or notify me why she was unwilling to sign the Declaration and Assignment. A copy of the delivery

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documentation and the letter are attached hereto as Exhibit C and are incorporated herein by reference.

9. On May 21, 2001, I received a voice message from Roy L. Mason, Esq. regarding the documents mailed to Maryann Bastnagel and notifying me that he was calling on behalf of Ms Bastnagel. I instructed Amy Christensen, an attorney at Knobbe, Martens, Olson & Bear, LLP to return his call and she informed me that she left a voice message for Roy L. Mason on May 21, 2001 at approximately 11:08 a.m. and on June 12, 2001 at approximately 4:42 p.m. and had not received any response from Mr. Mason.

10. On June 14, 2001, I received a letter from Roy L. Mason dated June 12, 2001. Roy L. Mason sent the letter as a follow-up to his prior phone call. In the letter, Roy L. Mason stated that he was presently having the Declaration and Assignment reviewed by patent counsel, and once this was accomplished he would contact me concerning Maryann Bastnagel's signature on the documents. A copy of the letter is attached hereto as Exhibit D and is incorporated herein by reference.

11. On June 20, 2001, I instructed Amy Christensen to send a follow up letter to Roy L. Mason reminding him of the upcoming deadline for filing the Declaration and the Assignment. I received a copy of the letter sent by Amy Christensen dated June 20, 2001. A copy of the letter is attached hereto as Exhibit E and is incorporated herein by reference.

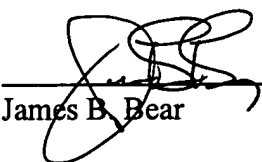
12. On July 20, 2001, I sent a final letter via U.S.P.S. Certified Mail Service to Roy L. Mason, 69 Franklin Street, Annapolis, MD 21401. The letter was a follow-up to the June 20, 2001 letter. The letter informed Roy L. Mason that I had not received any further contact from him regarding Maryann Bastnagel's Declaration and Assignment. Further, the letter indicated that the deadline to submit the Declarations and Assignments to the U.S. Patent and Trademark Office was fast-approaching. The letter urged Roy L. Mason to return the signed and notarized Documents as soon as possible. Finally the letter also notified Roy L. Mason that if I did not hear from him, I would be forced to inform the PTO of his client's refusal to sign. A copy of the delivery documentation and the letter are attached hereto as Exhibit F and are incorporated herein by reference.

13. As of August 22, 2001, I have not received any additional contact from Maryann Bastnagel or Roy L. Mason in response to the letters I have sent them.

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14. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: B/23/01

By: 
James B. Bear

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Examiner : Unknown

RECEIVED

AUG 29 2001

OFFICE OF PETITIONS

DECLARATION UNDER 37 C.F.R. § 1.47(a) BY JAMES B. BEAR
REGARDING NONSIGNING INVENTOR TIMOTHY M. MOORHEAD

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, James B. Bear, declare and state the following:

1. I am a patent attorney at Knobbe, Martens, Olson and Bear, LLP, which represents Travel Services International, Inc. ("Travel Services International") with regard to certain intellectual property matters.

2. I am informed and believe that Martin Schiff, Kathleen Sussman-Wiles, Vivian Ewart, Wallace Huff, Byron Berk, Maureen Elenberger, Timothy Fessenden, Paul Fitton, Vance Loiselle, Michael Carpenter, Michael Sherota, Elizabeth Judy, Elena Rodriguez, Holley Christen, Mitch Cox, Todd Elliott, Kevin Helms, Adolf Quintana, Dot Tolle, Nancy Porter, Karen Reynolds, Monica Scanlon, Paul Colangelo, Tracey Codd, Joanell DeLand, Timothy Moorhead, Anne D. Burkard, George DelPino, Joelle Delva, Sharon Everhart-Brooks, Bradley Ferguson, David Forman, Samuel Hintz, Irwin Klotz, Courtney Kurk, Keith Leslie, Sandi Levy, Fred

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Locicero, Charlotte Luna, Jeffrey Nickerson, and Maryann Bastnagel are joint and co-inventors in the above-referenced U.S. patent application.

3. I am informed and believe that at the time of the activities leading up to the invention of the subject matter of the above-referenced U.S. patent application, Timothy M. Moorhead was an employee of Travel Services International.

4. I am informed and believe that Timothy M. Moorhead participated in a project to develop systems and methods of comparing product information on behalf of Travel Services International.

5. The last address of Timothy M. Moorhead, known to me, is:
4968 Razorback Run
Syracuse, NY 13215.

6. On December 13, 2000, I had a letter sent by Federal Express Priority Overnight Service to Holley Christen, Cruises, Inc., 5000 Campuswood Drive, East Syracuse, NY 13057. The letter included a copy of the above-referenced U.S. patent application, a Declaration by Inventors for the application, and an Assignment form for the application. The letter asked Holley Christen to have herself, Joanell DeLand, and Timothy M. Moorhead sign the enclosed Declarations by Inventors, sign and notarize the Assignment forms, and then return the papers to me. Holley Christen and Joanell DeLand signed the documents, but Timothy M. Moorhead failed to do so. A copy of the delivery documentation, the letter, and the enclosures relating to the above-referenced patent application are attached hereto as Exhibit A and are incorporated herein by reference.

7. On April 5, 2001, I sent a letter by Federal Express Standard Overnight Service to Timothy Moorhead, 4968 Razorback Run, Syracuse, NY 13215. The letter was a follow-up to the December 13, 2000 letter sent to Holley Christen and contained a copy of the December 13, 2000 letter and the above-referenced patent application along with additional copies of the Declarations by Inventors and Assignments. Timothy M. Moorhead was asked to complete the forms per the instructions in the prior letter and return to me in a provided Federal Express envelope. A copy of the delivery documentation and the letter are attached hereto as Exhibit B and are incorporated herein by reference.

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8. On April 12, 2001, I received a copy of an e-mail from Tammy Chappell at Travel Services International documenting her efforts in contacting Timothy M. Moorhead. A copy of this e-mail is attached hereto as Exhibit C and is incorporated herein by reference.

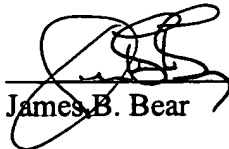
9. On April 25, 2001, I sent another letter via Federal Express Priority Overnight Service to Timothy M. Moorhead, 4968 Razorback Run, Syracuse, NY 13215. The letter was a follow-up to both the December 13, 2000 and April 5, 2001 letters. The letter urged Timothy M. Moorhead to sign and notarize the Declaration and Assignment and return them to me or notify me why he was unwilling to sign the Declaration and Assignment. A copy of the delivery documentation and the letter are attached hereto as Exhibit D and are incorporated herein by reference.

10. On July 20, 2001, I sent a final letter via U.S.P.S. Certified Mail Service to Timothy M. Moorhead, 4968 Razorback Run, Syracuse, NY 13215. The letter was a follow-up to both the December 13, 2000 and April 5, 2001 letters. The letter informed Timothy M. Moorhead that I had not received any contact from him regarding the prior letters. Further, the letter acknowledged that Timothy M. Moorhead's lack of response to the prior letters evidenced his refusal to sign the Declaration and Assignment. The letter also notified Timothy M. Moorhead that I would be forced to file the formal documents for the above-referenced application without his signature. A copy of the delivery documentation and the letter are attached hereto as Exhibit E and are incorporated herein by reference.

11. As of August 22, 2001, I have not received any contact from Timothy M. Moorhead in response to the letters I sent Timothy M. Moorhead.

12. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: B/23/01

By: 
James B. Bear